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Subject Judge Denies GRIP Petition for Temporary Restraining
Order to Halt Phelps Dodge Hurley Smelter Stack Demolition

Gila Resources Information Project

Promoting healthy communities by protecting our environment

For immediate release

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Judge Denies GRIP Petition for Temporary Restraining Order to Halt Phelps Dodge Hurley Smelter Stack Demolition Petition compels PD to release information related to stack demolition

Silver City, NM, May 24, 2007 – Yesterday Sixth Judicial District Judge J.C. Robinson denied Gila Resources Information Project's petition for a temporary restraining order to halt the Phelps Dodge Hurley Smelter stack demolition until the public's health and safety have been adequately protected. The petition was filed on May 14 in Grant County.

GRIP President Sally Smith stated, "We're disappointed in today's decision. We believe our attorney made a very good case demonstrating a lack of serious concern for the public health and safety of Hurley residents and disclosure of information to the public."

Since filing of the Petition, Phelps Dodge has addressed some of the issues raised by GRIP. Smith explained, "Our petition compelled PD to provide information to the Environment Department and the public. We hope that this action has caused PD and local authorities to take another look at community concerns and to take the community's well being more seriously in planning for the stack demolition."

Some of the specific issues that have been resolved following GRIP's petition include:



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- PD met with the New Mexico Environment Department to develop air monitoring plans for particulates, metals, and asbestos that may be released during stack demolition. These plans were also provided to the public for review and comment to address significant outstanding air quality concerns.
- NMED put in place a procedure to take additional steps if needed for retesting Hurley soils that may become re-contaminated during the demolition event.
- Delay in demolition until after the Memorial Day and Blues Festival weekend means that the region's police and medical services personnel won't be spread too thinly during the busy holiday weekend.

Issues remaining include:

- Lack of dust suppression to prevent dust from drifting towards residences;
- Unwillingness on the part of PD to fully disclose all plans to the public and interested parties;
- Need for written agreement for release of air monitoring information to NMED and the public.
- Notification of all residents of evacuation plans and potential public health and safety risks.

GRIP was notified by Phelps Dodge on May 10th that the stack demolition date had been accelerated to May 25, with a community information meeting scheduled for May 22—only three days prior to the demolition. With less than two weeks before the scheduled demolition, neither GRIP nor community members had received requested details from Phelps Dodge of the demolition plan, evacuation plan, contingency plan, or air quality or soils monitoring plans. GRIP filed for a temporary restraining order until public health and safety issues could be fully addressed.

GRIP has actively supported reclamation and remediation at the Hurley smelter as it is in the interest of long-term public health and safety of Hurley residents. However, PD has a responsibility to communicate its plans to the community and demonstrate that public health and safety will be protected during the demolition event.

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